

STROOCK

By Email

September 6, 2013

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The Honorable Katherine B. Forrest
United States District Judge
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street, Room 730
New York, NY 10007-1581

Re: In re: 650 Fifth Avenue and Related Properties
08 CIV. 10934 (KBF) and All Member and Related Cases

Dear Judge Forrest:

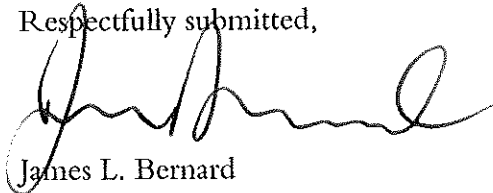
We represent the Greenbaum, Acosta, Beer and Kirschenbaum judgment creditors and write to elaborate on a point briefly raised during the Final Pre-Trial Conference held on September 4, 2013, concerning the claims that remain pending against the Assa Defendants.

On June 6, 2013, the Court issued an Opinion and Order granting certain judgment creditors partial summary judgment against the Assa Defendants. That Opinion and Order, however, did not dispose of all claims of all judgment creditors against the Assa Defendants. In addition to asserting claims against the Assa Defendants pursuant to TRIA, which the Opinion and Order addressed, certain judgment creditors also asserted claims against the Assa Defendants pursuant to various provisions of the Foreign Sovereign Immunity Act, which claims would permit recovery of punitive damages that are unavailable under TRIA.

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We wanted to highlight this aspect of the posture of the judgment creditors' actions because, regardless of the Court's resolution of certain pending summary judgment motions, the Assa Defendants will remain parties to at least our actions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James L. Bernard". The signature is fluid and cursive, with a large initial "J" and "B".

James L. Bernard

cc: Counsel of Record